

EXHIBIT C

AP:lw
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
VANESSA WICKHAM,

Plaintiff,

-against-

FRANCIS P. MARUNA and ALAN
MARUNA,

Defendants.
-----X

**AMENDED
VERIFIED ANSWER**

Index No.: 519906/16

Defendants, FRANCIS P. MARUNA and ALAN MARUNA, appearing by HARRIS,
KING, FODERA & CORREIA their attorneys, amending their answer to the Verified Complaint
of the Plaintiff herein:

THE PARTIES

1. Deny any knowledge or information sufficient to form a belief as to each and
every allegation contained in paragraphs designated “1”, “2”, “3”, “4” and “5” of the Verified
Complaint.

THE UNDERLYING FACTS

2. Deny any knowledge or information sufficient to form a belief as to each and
every allegation contained in paragraphs designated “6” and “7” of the Verified Complaint.

3. Deny each and every allegation contained in paragraph designated “8” of the
Verified Complaint.

4. Deny each and every allegation contained in paragraphs designated “9”, “10”,
“11” and “12” of the Verified Complaint and respectfully refer all questions of law to the
Honorable Court.

AS AND FOR AN ANSWER TO THE FIRST CAUSE OF ACTION

5. Deny each and every allegation contained in paragraphs designated “14”, “15” and “17” of the Verified Complaint.

6. Deny each and every allegation contained in paragraphs designated “16” and “18” of the Verified Complaint and respectfully refer all questions of law to the Honorable Court.

**AS AND FOR A FIRST SEPARATE AND COMPLETE DEFENSE TO THE
VERIFIED COMPLAINT OF THE PLAINTIFF HEREIN, DEFENDANTS
ALLEGE UPON INFORMATION AND BELIEF AS FOLLOWS:**

7. That the accident of occurrence referred to in the Plaintiff’s Verified Complaint and the injuries claimed were caused in whole or in part by the carelessness, contributory negligence or the assumption of risk of the Plaintiff and the answering Defendants demand that the Plaintiff’s damages be accordingly diminished or denied.

**AS AND FOR A SECOND SEPARATE AND COMPLETE DEFENSE TO THE
VERIFIED COMPLAINT OF THE PLAINTIFF HEREIN, DEFENDANTS
ALLEGE UPON INFORMATION AND BELIEF AS FOLLOWS:**

8. Plaintiff’s injuries/damages shall be mitigated in whole or in part by reason of Plaintiff’s own provocative acts and culpable conduct.

**AS AND FOR A THIRD SEPARATE AND COMPLETE DEFENSE TO THE
VERIFIED COMPLAINT OF THE PLAINTIFF HEREIN, DEFENDANTS
ALLEGE UPON INFORMATION AND BELIEF AS FOLLOWS:**

9. That if Plaintiff failed to use an available seat belt and/or shoulder harness at the time of the accident, then the injuries and/or damages allegedly sustained by the Plaintiff were more severe because of the non-use of that equipment; and Plaintiff would not have sustained some or all the injuries alleged by the Plaintiff.

WHEREFORE, Defendants, FRANCIS P. MARUNA and ALAN MARUNA, demand judgment dismissing the Verified Complaint of the Plaintiff herein, together with the costs and disbursements incurred in the defense of this action.

Dated: New York, New York
January 13, 2017

Yours etc.,

HARRIS, KING, FODERA & CORREIA
Attorneys for Defendants
FRANCIS P. MARUNA and ALAN
MARUNA
One Battery Park Plaza, 29th Floor
New York, NY 10004
(212) 487-9701

TO: JAROSLAWICZ & JAROS, LLC.
Attorney for Plaintiff
VANESSA WICHHAM
225 Broadway, 24th Floor
New York, NY 10007
(212) 227-2780

ATTORNEY'S VERIFICATION

AMANDA PRESCOTT, pursuant to the CPLR, affirms that she is an attorney associated with HARRIS, KING, FODERA & CORREIA, attorneys for the Defendants in the within action. The foregoing Answer is true to her own knowledge except as to the matters therein stated to be alleged upon information and belief, and that as to those matters she believes it to be true.

That this Answer is verified by your affirmant and not by the Defendants because upon information and belief the Defendants:

_____ Is a foreign corporation;

_____ Is a corporation, none of whose officers are within the County wherein HARRIS, KING, FODERA & CORREIA have their offices;

_____ Is a corporation whose main office is not within the County wherein HARRIS, KING, FODERA & CORREIA have their offices;

_____ Is a limited liability company, none of whose officers/members are within the County wherein HARRIS, KING, FODERA & CORREIA have their offices;

_____ Is a limited liability partnership, none of whose partners are within the County wherein HARRIS, KING, FODERA & CORREIA have their offices;

_____ Is a partnership, none of whose partners are within the County wherein HARRIS, KING, FODERA & CORREIA have their offices;

_____ Is an individual not within the County wherein HARRIS, KING, FODERA & CORREIA have their offices.

The sources of affirmant's information and the grounds for her beliefs as to all matters not stated upon her knowledge are the record and reports of investigation kept in the office of the said attorneys for the Defendants and in connection with this action and the accident out of which said action arises.

Dated: New York, New York
January 13, 2017



Amanda Prescott, Esq.